

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA

v.

CAMILO GARZA

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CRIMINAL NO. 4:13-CR-00166

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on August 6, 2013, to determine whether Defendant violated his supervised release. Defendant was represented by Frank Henderson. The Government was represented by Andy Williams.

On August 8, 2007, Defendant was sentenced by the Honorable Terrence W. Boyle, United States District Judge, to a sentence of 120 months imprisonment, to be followed by a five year term of supervised release for the offense of Conspiracy to Distribute and Possession with Intent to Distribute more than 500 grams of Cocaine and more than 100 kilograms of Marijuana. Defendant began his term of supervision on November 15, 2011. On July 9, 2013, the case was transferred to the Honorable Marcia A. Crone, United States District Judge.

On July 15, 2013, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender Under Supervision (the "Petition") (Dkt. 2). The Petition asserts that Defendant violated the following conditions of supervision: (1) Defendant shall not commit another federal, state or

local crime; (2) Defendant shall report to the probation officer as directed by the Court or probation officer, and shall submit a truthful and complete written report within the first five days of each month; (3) Defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.

The Petition alleges that Defendant committed the following violations: (1) On May 22, 2013, Defendant was arrested in Garland, TX by Garland Police Department for Theft; (2) On March 7, 2013, the U.S. Probation Officer contacted the Defendant by phone and instructed him to report in person to the U.S. Probation Office in Plano, TX, on March 11 and 14, 2013. The defendant failed to report on either date as instructed. On March 14, 2013, the U.S. Probation Office contacted the defendant's sister to assist the U.S. Probation Officer with contacting the defendant. She advised she didn't know where the defendant was but was certain he was using illegal drugs. Additionally, Defendant failed to submit a monthly supervision report for the months of February, March, April, and May 5, 2013. At the time the petition was filed, Defendant's whereabouts were unknown; (3) On July 25, 2012, the U.S. Probation Officer instructed the defendant to contact the Texas Department of Corrections Parole Division in the San Antonio, TX, office regarding the active state parole violator's warrant for his arrest. Defendant failed to contact said officer as instructed.

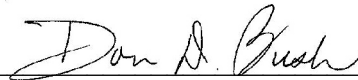
At the hearing, Defendant entered a plea of true to the alleged violations. Defendant waived his right to allocute before the district judge and his right to object to the report and recommendation of this Court. The Court finds that Defendant has violated the terms of his supervised release and that his supervised release should be revoked.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984 and having considered the arguments

presented at the August 6, 2013 hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of thirty (30) months, with no supervised release to follow. The Court further recommends that Defendant's term of imprisonment be carried out in the Bureau of Prisons facilities located in Jesup, GA, if eligible.

SIGNED this 14th day of August, 2013.

A handwritten signature in cursive script, reading "Don D. Bush", written in black ink.

DON D. BUSH
UNITED STATES MAGISTRATE JUDGE